

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

RICHARD WAYNE WRIGHT, SR.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO. 2:05cv439-A
	)	
SYLVESTER NETTLES, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On August 26, 2005, the court entered an order (Doc. #21) inadvertently stating that the Plaintiff had filed no timely objections to a Recommendation of the Magistrate Judge, and adopting the Recommendation. In fact, an objection had been filed by the Plaintiff, received by the court after the due date for filing objections but mailed by the Plaintiff within the required time. Accordingly, it is hereby

ORDERED that the order of the court entered on August 26, 2005, is VACATED and SET ASIDE.

The court has now conducted a *de novo* review of the Recommendation of the Magistrate Judge entered on August 4, 2005, together with the Plaintiff's objection filed on August 19, 2005, and the file in this case. Having done so, the court finds the objection to be without merit, and it is hereby overruled. The court adopts the Recommendation of the Magistrate Judge, and it is hereby ORDERED as follows:

1. Plaintiff's classification, transfer, and threats claims are DISMISSED with prejudice pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

2. The Plaintiff's remaining claims for relief against the Defendants are referred back to the Magistrate Judge for further proceedings.

DONE this 31st day of August, 2005.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE